

# SUPERIOR COURT OF CALIFORNIA

County of San Diego

DATE: August 8, 2006

DEPT. 71

REPORTER A: Peter Stewart

CSR# 3184

PRESENT HON. RONALD S. PRAGER

REPORTER B:

CSR#

JUDGE

CLERK: K. Sandoval

BAILIFF: L. Wilks

REPORTER'S ADDRESS: P.O. BOX 120128

SAN DIEGO, CA 92112-4104

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## MINUTE ORDER

IN RE: JCCP 4221/4224/4226&4428 – Natural Gas Anti-Trust Cases (Price Indexing)

The attached Court's ruling regarding Production of Discovery applies to all cases listed as follows:

4221-00020	UYEDA vs CENTERPOINT ENERGY INC
4221-00021	BENSCHIEDT vs AEP ENERGY SERVICES INC
4221-00022	COUNTY OF SANTA CLARA vs SEMPRA ENERGY
4221-00023	CITY AND COUNTY OF SAN FRANCISCO vs SEMPRA ENERGY
4221-00024	COUNTY OF SAN DIEGO vs SEMPRA ENERGY
4221-00025	OLDER vs SEMPRA ENERGY
4221-00026	CITY OF SAN DIEGO vs SEMPRA ENERGY
4221-00027	TAMCO vs DYNEGY INC
4221-00028	A L GILBERT COMPANY vs CORAL ENERGY RESOURCES LP
4221-00029	OBERTI WHOLESALE FOOD INC vs ENCANA ENERGY SERVICES INC
4221-00030	BROWN vs ENCANA ENERGY SERVICES INC
4221-00031	LOIS THE PIE QUEEN vs ENCANA ENERGY SERVICES INC
4221-00032	VITTICE CORPORATION vs ENCANA CORPORATION
4221-00033	COUNTY OF ALAMEDA vs SEMPRA ENERGY
4221-00034	THE REGENTS OF THE UNIVERSITY OF CALIFORNIA vs RELIANT ENERGY SERVICES INC
4221-00035	SCHOOL PROJECT FOR UTILITY RATE REDUCTION vs SEMPRA ENERGY
4221-00036	ASSOCIATION OF BAY AREA GOVERNMENTS vs SEMPRA ENERGY
4221-00037	OWENS-BROCKWAY GLASS CONTAINER INC vs SEMPRA ENERGY
4221-00038	TEAM DESIGN DBA TIMOTHY ENGELN INC vs RELIANT ENERGY INC
4221-00039	CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER vs RELIANT ENERGY SERVICES INC
4221-00040	SACRAMENTO MUNICIPAL UTILITY DISTRICT vs RELIANT ENERGY SERVICES INC
4221-00041	SHANGHAI 1930 RESTAURANT PARTNERS LP vs ENCANA ENERGY SERVICES INC
4221-00042	PODESTA vs ENCANA ENERGY SERVICES INC
4221-00043	NURSERYMAN'S EXCHANGE OF HALF MOON BAY vs SEMPRA ENERGY

**4221-00044     COUNTY OF SAN MATEO vs SEMPRA ENERGY**  
**4221-00045     BUSTAMANTE vs WILLIAMS ENERGY SERVICES**  
**4221-00046     PABCO BUILDING PRODUCTS vs DYNEGY INC**  
**4221-00047     BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY vs DYNEGY INC**

11:25 a.m. This being the time previously set for DISCOVERY HEARING in the above entitled cause Court convenes with counsel as noted on Exhibit "A" which is attached hereto and incorporated herein as though set forth in full. Seated at counsel table are: Seated at counsel table are Joseph Cotchett, Nanci Nishimura and Nancy Fineman of Cotchett, Pitre, Simon & McCarthy, Craig Corbitt of Zelle Hofmann Voelbel Mason & Gette, Barry Himmelstein of Lieff, Cabraser personally present for the Plaintiff and the Independent Plaintiffs. Joel Kleinman of Dickstein Shapiro, Todd Kinnear of Luce Forward, Richard P. Levy of Gibson, Dunn & Crutcher, Brendan P. Cullen of Sullivan Cromwell, Gregory Copeland of Baker Botts personally present for the Defendants.

Attorney Cotchett presents argument on behalf of the Independent Plaintiffs.

11:55 a.m. Attorney Kleinman presents argument on behalf of the Defendants.

12:00 p.m. Attorney Cotchett presents argument on behalf of the Independent Plaintiff regarding wash trades.

12:10 p.m. Attorney Cotchett presents argument regarding discovery devices.

12:18 p.m. Court is in recess for lunch.

1:30 p.m. Court reconvenes with counsel and all parties as noted above present. Court continues with discussion of discovery issues. Attorney Cotchett presents argument regarding wash trades.

Attorney Lichtman for Defendant Coral Energy presents rebuttal argument.

Regarding wash trades, all Defendants are to give documentary reports for all transactions of physical gas and futures for the periods of time in questions to Plaintiffs. Plaintiffs are going to submit their definition or definitions of what they say are wash trades and they are going to ask the Defendant to provide information on what transactions fit that those definitions. Defendants will provide information or of they object on grounds of burdensomeness they are going to meet and confer or come back ex parte to have the Court review the matter.

The Court directs Attorney Kleinman to prepare the order and have Plaintiffs review as to form and content.

Attorney Himmelstein discusses request for NOVA /AECO. Plaintiffs are to prepare an expert deposition and to show it to Defendants. Plaintiffs to do this as soon as possible.

Who traded AT Nova /AECO and what is problem if any in producing information. If there is a problem with production, counsel to meet and confer.

Henry Hub Defendants will give transaction data, details, date and amount and will also give them readily

accessible records of what these reports to the trade presses were, data kept in the ordinary course of business. Plaintiffs get one record of everything, if some thing is very significant Court would upon a showing of good cause say that they may be entitled to get all the documentation.

2:50 p.m. Court is in recess.

3:00 p.m. Court reconvenes with counsel and all parties as noted above present.

Privilege documents, Counsel to meet and confer and to limit the number of documents listed on the privilege log. Plaintiffs are to eliminate as many as possible and if counsel cannot agree on the number they are to come in ex parte to Court. Documents that were sent to any government agency and were not listed on a privilege log will be produced by each Defendant. Any new listings, if there is a problem counsel to meet and confer.

Production of tapes, each Defendant is to produce a hundred hours of tape that they may review before they produce to the Plaintiff. Plaintiffs are to specify the date, time or name for the tape they are requesting. Regarding tapes that have been provided to the government counsel to meet and confer and report to the Court at a later date regarding issues of privilege etc.

Counsel to meet and confer regarding narrowing dates for production of documents.

3:40 p.m. Court is adjourned.